

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

IN RE:

CHARLES E MCCOY

DEBTORS

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CASE NO. 17-20129
CHAPTER 13

MOTION FOR CONTINUATION OF THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. §362(c)(3)(B)

COMES NOW, Charles E McCoy, Debtor, by and through his attorney, and files this Motion to Continue the Automatic Stay Pursuant to 11 U.S.C. §362(c)(3)(B) and would respectfully show the Court as follows:

1. On July 12, 2017, Debtor filed this Chapter 13 bankruptcy in the Eastern District of Texas(hereinafter referred to as "present case"). The Automatic Stay is currently in full force and effect for 30 days.

2. The relevant facts are as follows: The Debtor previously filed a case under Chapter 13 of the Bankruptcy Code in the Eastern District of Texas on May 8, 2015, and was assigned case number 15-20068, (hereinafter referred to as "previous case"). The Debtor's Chapter 13 Plan was confirmed on October 23, 2015. A Motion for Relief from Automatic Stay was filed on October 19, 2015 by Michael Durrschmidt, whose address is 1415 Louisiana, 36th Floor, Houston, TX 77002. An Agreed Order Conditioning the Automatic Stay was entered on January 20, 2016. The case was dismissed on June 22, 2017 as a result of the Chapter 13 Trustee's Motion to Dismiss for a default on plan payments.

3. At the time of the filing of the Debtor's present case, the Debtor's equipment, used to operate his business, was in danger of repossession.

4. Mr. McCoy's previous case was filed jointly with his spouse. During the previous case Mr. McCoy and his wife separated. As a result of the conflict resulting from the separation, his prior counsel was forced to withdraw. Due to the financial strain of the separation coupled with the lack of an attorney to take action in his case, Mr. McCoy was unable to remain in the prior case.

5. Since dismissal of the Debtor's previous case, Mr. McCoy's living situation and expenses have stabilized and he is earning income sufficient for funding the current Chapter 13 Plan. For these reasons, the Debtor believes the present case will result in a confirmed plan that will be completed.

6. Per the attached service list this motion is being served upon all creditors and parties in interest including but not limited to the following parties: 1. Jay W. Hurst

at, PO Box 12548, Austin, TX 78711, per the Notice of Appearance filed on June 24, 2015 in the previous case, 2. Eric Albritton at PO Box 2649, Longview, TX 75606 per the Notice of Appearance filed on July 9, 2015, 3. Shawn A. Latchford at PO Box 2649, Longview, TX 75606 per the Notice of Appearance filed on July 17, 2015, 4. Lee Gordon at PO Box 1269, Round Rock, TX 78665 per the Notice of Appearance filed on July 31, 2015, 5. Michael J. Durrschmidt at 1415 Louisiana, 36th Floor, Houston, TX 77002 per the Notice of Appearance filed on August 11, 2015 in the previous case, and all creditors and parties in interest as served in the previous case.

WHEREFORE, PREMISES CONSIDERED, Charles E McCoy, Debtor, prays that the Court set this matter for an accelerated hearing at the the Court's convenience and enter an order continuing the automatic stay and provide such other relief as is just and equitable.

DATED: July 12, 2017

Respectfully Submitted,

WILLIAM H. LIVELY, JR., P. C.
432 S. Bonner Ave.
Tyler, Texas 75702
(903) 593-3001
(903) 595-3715 FAX

By: /s/ William H. Lively, Jr.
William H. Lively, Jr.
State Bar Card No. 00786066
Attorney for Debtors

CERTIFICATE OF SERVICE

This is to hereby certify that a true and correct copy of the above and foregoing Motion for Continuation of the Automatic Stay Pursuant to 11 U.S.C. §362(c)(3)(B) shall be served via electronic means, if available, otherwise by United States' regular mail, postage prepaid, to the parties listed on the attached mailing list on July 12, 2017.

/s/ William H. Lively, Jr.
WILLIAM H. LIVELY, JR.

***SERVICE LIST OMITTED FROM
MAIL OUT COPIES TO SAVE
EXPENSE. COPY OF SERVICE
LIST AVAILABLE UPON REQUEST***